IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10597 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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SHANTILAL D RAJ - Petitioner
Versus
STATE OF GUJARAT & 1 - Respondents

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Appearance :
MR YN OZA for Petitioner.
MR LB DABHI, AGP for Respondents.

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 14/02/2006

ORAL JUDGMENT

1.The petitioner has filed this petition under Article 226 of the Constitution of India praying for quashing and setting aside the order of suspension dated 19.08.1994 and further praying for the direction to the respondents to permit the petitioner to discharge his duties as First Grade Head Constable at City Police Station with all consequential and incidental benefits including continuation in service.

2.This Court has issued rule on 15.09.1994 and granted interim relief against the operation of the suspension order dated 19.08.1994 and the respondents were directed to allow the petitioner to continue to function as Head Constable as he was prior to the passing of the suspension order dated 19.08.1994.

3.Pursuant to the said order, the petitioner has resumed his duties on 12.10.1994. In the

meanwhile, the Judicial Magistrate has passed an order convicting the petitioner for the offences levelled against him and awarded the punishment of imprisonment of one year with fine of Rs. 1,000/-. The said order of the Judicial Magistrate was challenged in Criminal Appeal No. 14/1998 and the petitioner succeeded in the said appeal and the order of the Judicial Magistrate was quashed and set aside. By virtue of the said order, the suspension period from 19.08.1994 to 11.10.1994 was treated as earned leave.

4. In view of the order dated 28.02.2002 passed by the Police Superintendent, copy of which is placed on record by the learned Assistant Government Pleader, nothing survives in this petition. The petition has become infructuous. It is accordingly disposed of without any order as to costs.

S*avariya* **[K.A. PUJ, J.]**